

34
09.05.2024
mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13080 of 2024

Manoj Kumar Das
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Ms. Sulekha Mitra,
Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar
... for the petitioner

Mr. Asif Dewan
...for the WBSEDCL

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel appearing for the petitioner submits that the petitioner is an occupant of a multistoried building. Despite the petitioner holding an agreement in his favour, the developer did not execute valid documents of transfer, nor have the daughters of the original landlord executed power-of-attorney in favour of the developer to facilitate the regularizing of the title of the petitioner. However, in the present scorching heat, the petitioner is residing in one of the flats at the concerned premises with his aged parents and one unmarried sister, and, as such, requires

immediate electricity connection in the sweltering heat.

3. Learned counsel appearing for the West Bengal State Electricity Distribution Company Limited (WBSEDCL) points out that in view of the building being a multistoried one having several flats, a common service connection has to be given, for which the required payments are required to be made either by the developer or by a formally registered association or any other body of persons having right to do so.

4. It is submitted that it is not technically feasible to give individual connections to each of the flats of the multistoried building, as in case of all such buildings. However, in the event the requisites are put in for giving a common service connection, from which individual sub-meters can be given to each of the accommodations, the WBSEDCL is otherwise willing to give such connection.

5. In the peculiar facts and circumstance of the case, unless either the developer or a formally registered association or a body of residents of the multistoried building-in-question puts in the requisite amount for a common service connection to be given, from which individual sub-meters can be allotted for each of the apartments, it is not feasible technically for the WBSEDCL to give

individual connections to each and every apartment.

6. Such contention of the WBSEDCL is sufficiently justified, requiring the petitioner to move the appropriate civil court for asserting his rights against the developer and the current land-owners.

7. As such, no relief can be granted in the present writ petition.

8. Accordingly, W.P.A. No. 13080 of 2024 is disposed of by granting liberty to the petitioner to approach the competent civil court for appropriate reliefs, as indicated hereinabove.

9. There will be no order as to costs.

10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)